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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,424	11/07/2003	Jui-Chien Kao	3074/125	9391

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EXAMINER

MAGUIRE, LINDSAY MONICA

ART UNIT PAPER NUMBER

3634

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,424

Applicant(s)

KAO, JUI-CHIEN

Examiner

Lindsay M. Maguire

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/07/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 through 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ritchie et al U.S. Pat. No. 5,988,382.

Ritchie et al discloses a tool suspension plate for a screwdriver set comprising: a base with a top, a bottom and two sides (Figure 2); a resting flange formed on the bottom of the base having multiple through holes defined in the resting flange in different sizes to adapt to respectively accommodate shafts of screwdrivers in the screwdriver set (70); a positioning bracket (80) detachably mounted to the base (Figure 2) and having an inner side abutting the base and multiple positioning cutouts (82) defined in the positioning bracket (80) in different sizes to extend to the inner side to adapt to respectively accommodate handles of screwdrivers in the screwdriver set; and multiple stop plates (Figure 1, 46) formed on the base near the top, each stop plate respectively aligning with one of the through holes (Figure 1, 74) and adapted to abut a top of the handle of a respective one of the screwdrivers (the device Ritchie et al is fully capable of performing the function as set forth in Claim 1, see Figures 1 and 2).

As to Claim 2, (80), additionally it is noted that the "Wherein" clause (i.e. "wherein the positioning bracket has two ends and two locking sheets respectively formed on the two ends of the positioning bracket; each locking sheet has a hole defined through the locking sheet; and two end brackets are formed on the base to engage respectively with the locking sheets, wherein each end bracket has a locking hole defined in the end bracket to align with the hole in a corresponding one of the locking sheets to engage with the locking sheet by means of a locking pin") does not distinguish over Ritchie et al, which includes a locking sheet (80) with all of the aforementioned features, that can be locked into place with locking pins (84).

In addition, Claims 3 and 4 do not distinguish over Ritchie et al, which discloses a positioning bracket that is a long strip with a middle portion and has a strong post with a channel, a locking hole defined on the base to align with the channel and a locking pin that extend through the channel and the locking hole (See Figure 2).

As to Claim 5, additionally it is noted that the "Wherein" clause (i.e. "wherein the base further has two suspension holes defined near the top of the base.") does not distinguish over Ritchie et al, which includes two suspension holes located near the top of the base (Figure 1, 108m 110).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Kao (6,742,653), Sandrick (3,337,058), Quitmann (4,586,615), Lin (6,834,767), Chen (6,536,611), Chuan (6,585,018), and Lee

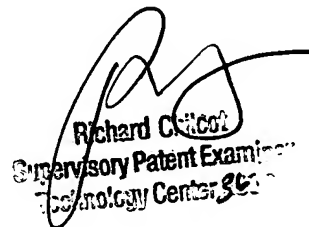
(6,164,463) references are cited for illustrating various tool holders having the suspension plate and position bracket configurations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMM


Richard Chilcot
Supervisory Patent Examiner
Technology Center